

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, CINCINNATI**

EVERETT W. WHISMAN, et al.	:	
Plaintiffs	:	Case No. C-1-02-406
	:	Judge Beckwith
v.	:	
ZF BATAVIA, LLC, et al.	:	PLAINTIFFS' OPPOSITION TO
	:	DEFENDANTS' MOTION FOR
	:	LEAVE TO FILE
Defendants.	:	SUPPLEMENTAL BRIEF IN
	:	SUPPORT OF SUMMARY
	:	JUDGMENT

Plaintiffs, Everett W. Whisman, et al. ("Plaintiffs"), submit this opposition to Defendants', ZF Batavia, LLC and Ford Motor Company, Motion for Leave to Submit Supplemental Brief in Support of Summary Judgment. The Court should deny Defendants' motion because the recent Ohio Supreme Court decision cited by Defendants in their supplemental brief is not relevant to a resolution of the pending motions for summary judgment. In the alternative, should the Court grant the motion for leave, Plaintiffs have tendered their Response to Defendants' Supplemental Brief in Support of Summary Judgment, attached to this opposition memorandum as "Exhibit A."

Respectfully submitted,

s/ Stephen A. Simon

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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2004, I electronically filed Plaintiffs' Opposition to Defendants' Motion for Leave to Submit Supplemental Brief in Support of Summary Judgment with the Clerk of Courts using the CM/ECF system which will send notification of such filing to counsel for Defendants.

s/ Stephen A. Simon

ATTORNEY FOR PLAINTIFFS